



DOCKET NO: V00139.70063.US

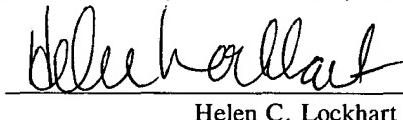
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Martha Karen Newell et al.  
Serial No: 09/470,494  
Confirmation No: 6216  
Filed: December 22, 1999  
For: USE OF CD40 ENGAGEMENT TO ALTER T CELL  
RECEPTOR USAGE  
Examiner: Phillip Gambel  
Art Unit: 1644

---

**CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)**

The undersigned hereby certifies that this document is being placed in the United States mail with first-class postage attached, addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the 18th day of July, 2003.



---

Helen C. Lockhart

---

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**STATEMENT FILED PURSUANT TO THE DUTY OF  
DISCLOSURE UNDER 37 CFR §§1.56, 1.97 AND 1.98**

Sir:

Pursuant to the duty of disclosure under 37 C.F.R. §§1.56, 1.97 and 1.98, the Applicants request consideration of this Information Disclosure Statement.

**PART I: Compliance with 37 C.F.R. §1.97**

This Information Disclosure Statement has been filed more than three months after the filing date of this application and before the mailing date of the first Office Action, and before the mailing date of either a final action under 37 C.F.R. §1.113 or a Notice of Allowance under 37 C.F.R. §1.311, or an action that otherwise closes prosecution in this application.

The Applicant hereby states, as specified in 37 C.F.R. §1.97(e), that each item of information contained in this Information Disclosure Statement was first cited in any

JUL 21 2003

SCB  
242

FORM PTO-1449/A and B (Modified) <i>TRADEMARK OFFICE</i>		APPLICATION NO.: 09/470,494	ATTY. DOCKET NO.: V00139.70063.US
<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>		FILING DATE: December 22, 1999	CONFIRMATION NO.: 6216
		APPLICANT: Martha Karen Newell et al.	
Sheet	1	of	1
		GROUP ART UNIT: 1644	EXAMINER: Phillip Gambel

**U.S. PATENT DOCUMENTS**

Examiner's Initials	Cite No.	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication or of issue of Cited Document MM-DD-YYYY
		Number	Kind Code		
.	.	.	.	.	.
.	.	.	.	.	.
.	.	.	.	.	.
.	.	.	.	.	.
.	.	.	.	.	.
.	.	.	.	.	.

**FOREIGN PATENT DOCUMENTS**

Examiner's Initials	Cite No.	Foreign Patent Document			Name of Patentee or Applicant of Cited Document (not necessary)	Date of Publication of Cited Document MM-DD-YYYY	Translation (Y/N)
		Office/ Country	Number	Kind Code			
.	.	.	.	.	.	.	.
.	.	.	.	.	.	.	.
.	.	.	.	.	.	.	.
.	.	.	.	.	.	.	.
.	.	.	.	.	.	.	.

**OTHER ART — NON PATENT LITERATURE DOCUMENTS**

Examiner's Initials	Cite No	Include name of the author (in CAPITAL LETTERS) title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, relevant page(s), volume-issue number(s), publisher, city and/or country where published.	Translation (Y/N)
	C7	WARE, CARL F. et al., Tumor Necrosis Factor (TNF) Receptor Expression in T Lymphocytes, <i>J. of Immunology</i> 147:4229 (1991).	
	C8	WAGNER, DAVID H. JR., Increased Expression of CD40 on Thymocytes and peripheral T cells in autoimmunity: A Mechanism for Acquiring Changes in the Peripheral T Cell Receptor Repertoire, <i>Intl J. of Molecular Medicine</i> 4:231 (1999).	
	C9	VAN KOOTEN, CEES, CD40-CD40 Ligand: A Multifunctional Receptor-Ligand Pair, <i>Advances in Immunology</i> , v. 61, p. 1	

EXAMINER	DATE CONSIDERED

#EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered.  
Include copy of this form with next communication to applicant.

\*a copy of this reference is not provided as it was previously cited by or submitted to the office in a prior application, Serial No. \_\_\_, filed \_\_\_, and relied upon for an earlier filing date under 35 U.S.C. 120 (continuation, continuation-in-part, and divisional applications).

[NOTE - Must provide a copy of any patent, publication, other information listed, even if it was previously submitted to, or cited by, the U.S. Patent Office in an earlier application, unless the earlier application is identified by the IDS and is relied upon for an earlier filing date under 35 U.S.C. §120, and the copy was provided in the earlier application.]

communication from a foreign Patent Office in a counterpart for this application not more than three months prior to the filing of this Statement.

No fee is required.

**PART II: Information Cited**

The Applicant hereby makes of record in the above-identified application the information listed on the attached form PTO-1449 (modified). The order of presentation of the references should not be construed as an indication of the importance of the references.

The Applicant hereby makes the following additional information of record in the above-identified application.

The applicant would like to bring to the Examiner's attention the following co-pending applications that may contain subject matter related to this application:

<u>Serial No.</u>	<u>Filing Date</u>	<u>Inventor(s)</u>
09/711,022	11/09/00	Newell et al.
10/225,313	08/21/02	Newell et al.
Not yet assigned	07/09/03	Newell et al.

The Applicant would also like to bring to the Examiner's attention the enclosed Search Report from a corresponding International or Foreign National Application.

**PART III: Remarks**

Documents cited anywhere in the Information Disclosure Statement are enclosed unless otherwise indicated. It is respectfully requested that:

1. The Examiner consider completely the cited information, along with any other information, in reaching a determination concerning the patentability of the present claims;

2. The enclosed form PTO-1449 be signed by the Examiner to evidence that the cited information has been fully considered by the Patent and Trademark Office during the examination of this application;

3. The citations for the information be printed on any patent which issues from this application.

By submitting this Information Disclosure Statement, the Applicant makes no representation that a search has been performed, of the extent of any search performed, or that more relevant information does not exist.

By submitting this Information Disclosure Statement, the Applicant makes no representation that the information cited in the Statement is, or is considered to be, material to patentability as defined in 37 C.F.R. §1.56(b).

By submitting this Information Disclosure Statement, the Applicant makes no representation that the information cited in the Statement is, or is considered to be, in fact, prior art as defined by 35 U.S.C. §102.

Notwithstanding any statements by the Applicant, the Examiner is urged to form his own conclusion regarding the relevance of the cited information.

An early and favorable action is hereby requested.

Respectfully submitted,

By:   
Helen C. Lockhart, Ph.D., Reg. No. 39,248  
Wolf, Greenfield & Sacks, P.C.  
600 Atlantic Avenue  
Boston, Massachusetts 02210-2211  
Telephone: (617) 720-3500

Docket No. V00139.70063.US

Date: July 18, 2003

XNDDX